IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 945/2002

SUKHVEER SINGH & ORS. Vs. GUNGA & ORS.

DATE: 02.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Sanjay Mehrishi for the petitioners.
Mr. C.P. Meena for
Mr. N.A. Naqvi for the respondents.

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This revision petition under Section 397 r/w Section 401 Cr.P.C. is directed against the judgment dated 12.09.2002 passed by the Additional Sessions Judge, Deeg, District Bharatpur in Criminal Revision No. 63/2002, whereby the criminal revision filed by the respondents has been allowed and the judgment dated 18.03.2002 passed by the Sub Divisional Magistrate, Deeg has been set-aside.

Learned counsel for the petitioners submits that the petitioner No.5 Bhuri Singh and others had filed a writ petition before this Court which was registered at S.B. Civil Writ Petition No. 3934/1999- Bhuri Singh & Ors. Vs. The State of Rajasthan & Ors. The facts as mentioned in the aforesaid writ petition were that petitioners father Narain Singh filed a suit for declaration against Smt. Gainda regarding the land

in dispute situated in village Kakda, Tehsil Deeg claiming to be in possession of the land since Svt. 2014 and acquired Khatedari rights. Since despite service the defendant did not appear the Sub Divisional Officer Deeg proceeded exparte and decreed the suit vide judgment dated July 20, 1970. The respondents filed first appeal on June 23, 1973 along with the application under Section 5 of the Limitation Act, 1963. On receiving the notices the petitioners raised preliminary objections. The appeal came to be dismissed vide judgment dated July 16, 1974. Thereafter the respondents filed second appeal before the Board of Revenue who vide judgment dated November 11, 1982 dismissed the same holding that the respondents purchased the land in dispute from Gainda after institution of suit, therefore, the transaction was hit by the doctrine of lispendense. The said writ petition was ultimately allowed vide judgment dated October 11, 2006 while setting aside the impugned orders dated October 28, 1996 of Collector, Bharatpur, September 8, 1997 and May 31, 1999 of the Board.

Since the writ petition was allowed in favour of the petitioners, therefore, the impugned judgment dated 12.09.2002 passed by the Additional District & Sessions Judge, Deeg, District Bharatpur is hereby quashed and set-aside.

The revision petition stands allowed in the terms as indicated in the judgment dated October 11, 2006 passed in S.B. Civil Writ Petition NO. 3934/1999.

(K.S. RATHORE),J.

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